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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,242	07/19/2001	Michael H. Dunham	021356-9002-00	8708

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EXAMINER
KOPPIKAR, VIVEK D

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/909,242	DUNHAM ET AL.
Office Action Summary	Examiner	Art Unit	
	Vivek D. Koppikar	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 July 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7/19/01* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *10/04/01*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1.   Claims 1-33 have been examined in this application. The Information Disclosure

Statement (IDS) statement filed on October 4, 2001 has also been acknowledged.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.   Claims 1, 3, 5, 8, 14-19, 21, 23-26, 28-33 rejected under 35 U.S.C. 102(a) as being

anticipated by US Patent Number 6,484,144 to Martin.

(A)   As per claim 1, Martin teaches a method of managing the provision of care to a client

including use of a software program to ensure adherence to a wraparound process and including the

involvement of a support team to provide care to the client, the support team including family members of

the client, friends of the client, and other community members that know the client well (Martin:

Abstract, Figure 1 and Col. 6, Ln. 6-25), the method comprising the acts of:

inputting assessment data into a database using an assessment data entry page generated by the

software program, the assessment data including strengths and needs of the client and of the support team

(Figure 1 and Col. 6, Ln. 26-32);

displaying at least some of the assessment data on a plan of care data entry page generated by the

software program (Col. 6, Ln. 37-43); and

developing a plan of care by utilizing the plan of care data entry page as a framework for the plan

of care (Col. 9, Ln. 30-37).

(B)   As per claim 3, in Martin the act of developing a plan of care includes inputting plan of care

data into the database using the plan of care data entry page, the plan of care data including

services/actions to be carried out for the provision of care to the client (Figure 1; Col. 6, Ln. 26-32 and

Col. 10, Ln. 24-32).

(C)   As per claim 5, in Martin the act of assigning planned actions includes inputting planned

actions data into the database using the planned actions data entry page (Col. 6, Ln. 32-43 and Col. 11,

Ln. 25-42).

(D)   As per claim 8, and further comprising the acts of

displaying at least some of the assessment data on a crisis plan data entry page generated by the

software program (Col. 6, Ln. 38-43); and

developing a crisis plan by utilizing the crisis plan data entry page as a framework for the crisis

plan (Col. 10, Ln. 24-32 and Col. 11, Ln. 1-12).

(E)   As per claim 14, Martin further comprises the acts of:

inputting enrollment data into the database using a team member data entry page generated by the

software program and an episode open data entry page generated by the software program, the enrollment

data including team member data and episode open data (Col. 6, Ln. 26-43); and

inputting diagnosis data into the database using a diagnosis data entry page generated by the

software program (Col. 11, Ln. 4-12 and Ln. 25-28).

(F)   As per claim 15, Martin further comprises the acts of:

inputting progress note data using a progress note data entry page generated by the software

program, the progress note data corresponding to the planned actions data (Col. 11, Ln. 63-Col. 12, Ln. 5).

(G)   As per claim 16, Martin further comprises the act of inputting outcome measures data into the database using an outcome measures data entry page generated by the software program (Col. 12, Ln. 6-19).

(H)   As per claim 17, Martin further comprises the act of generating action items on a user's tickler list, wherein the action items are representative of tasks that need to be completed to allow the provision of care to progress (Col. 11, Ln. 1-12).

(I)   As per claim 18, Martin further comprises the act of generating reports, wherein the reports represent data input into the database (Figure 6 and Col. 20, 42-46).

(J)   As per claim 19, Martin further comprising the act of ensuring fiscal responsibility in the provision of care (Col. 20, Ln. 44-46).

(K)   As per claim 21, Martin teaches a method of managing the provision of care to a client including use of a software program to ensure adherence to a wraparound process (Martin: Abstract and Col. 6-25), the method comprising the acts of:

inputting data related to the provision of care to the client into a database using a first page generated by the software program (Col. 6, Ln. 37-43); and

inputting further data related to the provision of care to the client into the database using a second page generated by the software program, wherein the software program prevents entry of the further data until the first page is authorized by at least one authorizing user (Col. 6, Ln. 26-43).

(L)   As per claim 23, in Martin the data includes assessment data and the further data is at least one of crisis plan data, plan of care data, planned actions data, progress note data, outcome measures data, and episode close data (Col. 12, Ln. 7-27).

(M)   As per claim 24, in Martin the data includes crisis plan data and the further data is at least one of

plan of care data, planned actions data, progress note data, outcome measures data, and episode close data

(Col. 11, Ln. 1-12 and Col. 12, Ln. 7-27).

(N)   As per claim 25, in Martin the data includes plan of care data and the further data is at least one of

planned actions data, progress note data, outcome measures data, and episode close data (Col. 7, Ln. 7-

27).

(O)   As per claim 26, in Martin the data includes planned actions data and the further data is at least

one of progress note data, outcome measures data, and episode close data (Col. 12, Ln. 7-27).

(P)   As per claim 28, Martin teaches a method of developing a plan of care for a client including use

of a software program to ensure adherence to a wraparound process and including the involvement of a

support team to provide care to the client, the support team including family members of the client,

friends of the client, and other community members that know the client well (Martin: Abstract and Col.

6, Ln. 6-25), the method comprising the acts of:

        inputting assessment data into a database using an assessment data entry page generated by the
software program (Col. 6, Ln. 26-32), the assessment data including

        a defined objective for the client (Col. 9, Ln. 21-Col. 10, Ln. 32),

        strategies for achieving the defined objective (Col. 9, Ln. 21-Col. 10, Ln. 32),
behaviors exhibited by the client (Col. 7, Ln. 15-24), and

        strengths and needs of the client and of the support team (Col. 8, Ln. 25-33);

        displaying at least some of the assessment data on a plan of care data entry page generated by the

software program; the act of displaying including the act of displaying each of the strategies for achieving

the defined objective along with a list of the strengths and needs (Col. 6, Ln. 37-43);

developing a plan of care by utilizing the plan of care data entry page as a framework for the plan

of care (Col. 9. Ln. 21-Col. 10, Ln. 32), the act of developing a plan of care including the acts of

analyzing the strengths and needs listed (Col. 11, Ln. 13-24)

formulating a goal statement for each of the strategies for achieving the defined objected based on

the analyzed strengths and needs (Col. 9, Ln. 21-Col. 10, Ln. 32), and

inputting plan of care data based on the goal statements into the database using the plan of care

data entry page (Col. 11, Ln. 25-34).

(Q) As per claim 29, Martin further comprising the act of prioritizing the strengths and needs before

the act of displaying at least some of the assessment data (Col. 9, Ln. 25-37)

(R) As per claim 30, Martin further comprising the acts of

displaying additional assessment data on the plan of care data entry page, wherein the act of

displaying includes displaying each of the behaviors that the client exhibits including a frequency of the

behavior, a severity of the behavior, and a locale of the behavior (Col. 7, Ln. 15-18 and Ln. 25-28);

evaluating the overall effect the goal statements have on each of the behaviors (Co 5, Ln. 63-Col.

6, Ln. 6);

developing expected outcomes for the client based on the act of evaluating, wherein the act of

developing expected outcomes includes inputting additional plan of care data into the database using the

plan of care data entry page, the additional plan of care data including an outcome frequency of the

behavior, an outcome severity of the behavior, and an outcome locale of the behavior (Col. 12, Ln. 6-26).

(S)   As per claim 31, Martin further comprises the act of redeveloping the plan of care if the expected

outcomes are not analogous to the defined objective for the client (Col. 22, Ln. 8-10 and Ln. 50-59).

(T)   As per claim 32, Martin further comprises the act of inputting additional plan of care data into the

database using the plan of care data entry page, the additional plan of care data including services/actions

the team members may perform to meet the goal statements for each of the strategies (Col. 22, Ln. 8-10

and 50-59).

(U)   As per claim 33, Martin teaches a network based integrated system of care comprising:

        a computer (Figure 1 and Col. 6, Ln. 6-14); and

        a software program stored on the computer (Figure 1 and Col. 6, Ln. 14-19) for

        inputting assessment data into a database using an assessment data entry page generated by the

software program, the assessment data including strengths and needs of the client and of the support team

(Col. 6, Ln. 26-32),

        displaying at least some of the assessment data on a plan of care data entry page generated by the

software program (Col. 6, Ln. 6-15).

        developing a plan of care by utilizing the plan of care data entry page as a framework for the plan

of care (Col. 9, Ln. 21-Col. Ln. 32).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin

as applied to Claim 1 above and in further view of US Patent Number 6, 042, 005 to Basile.

(A)   As per claim 2, Martin does not teach the step of authorizing input of the assessment data

by inputting authorization data including acceptance of the assessment data before the act of

displaying at least one of the assessment data on the plan of care data entry page, however, this

feature is well known in the art as evidenced by Basile (Col. 2, 12-19). At the time of the

invention it would have been obvious to one of ordinary skill in the art to have modified the

method of Martin by adding the aforementioned feature from Basile with the motivation of

providing an identification authorization system as recited in Basile (Col. 2, Ln. 12-16).

(B)   As per claim 6, Martin does not teach the step of authorizing the input of the plan of care

data by inputting authorization data indicating acceptance of the plan of care data before the act

of displaying at least some of the services/actions, however, this feature is well known in the art

as evidenced by Basile (Col. 2, 12-19). At the time of the invention it would have been obvious

to one of ordinary skill in the art to have modified the method of Martin by adding the

aforementioned feature from Basile with the motivation of providing an identification

authorization system as recited in Basile (Col. 2, Ln. 12-16).

(C)   As per claim 7, Martin does not teach the act of authorizing the input of the planned

actions data by inputting authorization data indicating acceptance of the planned actions data

before the members of the support team members and the professional care providers provide

care to the client, however, this feature is well known in the art as evidenced by Basile (Col. 2,

12-19). At the time of the invention it would have been obvious to one of ordinary skill in the art

to have modified the method of Martin by adding the aforementioned feature from Basile with

the motivation of providing an identification authorization system as recited in Basile (Col. 2,

Ln. 12-16).

6.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin as applied

to Claim 21 above and in further view of Basile.

(A)   As per claim 27, Basile does not teach that the first page is authorized by inputting

authorization data into the database, however, this feature is well known in the art as evidenced

by Basile (Col. 2, 12-19). At the time of the invention it would have been obvious to one of

ordinary skill in the art to have modified the method of Martin by adding the aforementioned

feature from Basile with the motivation of providing an identification authorization system as

recited in Basile (Col. 2, Ln. 12-16).

7.   Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin as applied

to Claim 8 above.

(A)   As per claim 9, Martin teaches the act of developing a crisis plan which includes

inputting the crisis plan data into a database using the crisis plan data entry page (Martin: Col. 6,

Ln. 26-43 and Col. 11, Ln. 1-12).

Martin does not teach the specific data types of crisis precipitators, de-escalation

techniques and team members available to assist in the intervention for the client, however, these

differences are only found in the non-functional descriptive material and are not functionally

involved in the steps recited nor do they alter the recited structural elements. The recited method

steps would be performed the same regardless of the specific data. Further, the structural

elements remain the same regardless of the specific data. Thus, this descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack,*

703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

At the time of the invention, it would have been obvious for one skilled in the art to have

included the above recited types of data with the motivation of being able to provide an

improved plan of care during crises.

8.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin as applied

to Claim 9 above and in further view of Basile.

(A)   As per claim 10, Martin does not teach an act of authorizing the input of crisis plan data

by inputting authorization data indicating acceptance of the crisis plan data before the act of

displaying at least some of the assessment data on the plan of data entry page, however, this

feature is well known in the art as evidenced by Basile (Col. 2, 12-19). At the time of the

invention it would have been obvious to one of ordinary skill in the art to have modified the

method of Martin by adding the aforementioned feature from Basile with the motivation of

providing an identification authorization system as recited in Basile (Col. 2, Ln. 12-16).

9.   Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in

view of US Patent Number 5,457, 792 to Virgil.

(A)   As per claim 11, the method of Martin further comprises the acts of:

inputting referral data representative of a potential client into the database using a referral

data entry page generated by the software program (Col. 6, Ln. 26-43);

displaying at least some of the referral data on an eligibility determination data entry page

generated by the software program (Col. 6, Ln. 6-12 and Ln. 37-43).

Martin does not teach the step of making an eligibility determination of the potential

client by utilizing the eligibility determination data entry page, however, this feature is well

known in the art as evidenced by Provost (Col. 8, Ln. 62-Col. 9, Ln. 6). At the time of the

invention it would have been obvious for one of ordinary skill in the art to have included this

feature in the method of Martin with the motivation of providing a healthcare provider with a

means of determining eligibility so that when it is discovered that a prospective patient is not a

beneficiary, a medical provider can promptly learn of this status and take steps to advice the

patient or provide appropriate medical treatment (recited in Provost: Col. 9, Ln. 3-6).

(B)   As per claim 12, the combined method of Martin in view of Provost teaches the act of

making an eligibility determination which includes inputting eligibility determination data in the

database using the eligibility determination page (Provost: Col. 8, Ln. 62-Col. 9, Ln. 6).

(C)   As per claim 13, the combined method of Martin in view of Provost teaches the act of

authorizing input of eligibility determination data by inputting authorization data indicating

acceptance of the eligibility determination data before the potential client becomes a client of the

potential client is determined to be eligible for participating (Provost: Col. 8, Ln. 62-Col. 9, Ln.

6).

10.   Claim 22 is rejected over 35 U.S.C. 103(a) as being unpatentable over Martin as applied

to Claim 21 above and in further view of Provost.

(A)   As per claim 22, Martin teaches that the data on the patient includes outcomes measures

data (Martin: Col. 11, Ln. 21-26), however Martin does not teach that the data includes eligibility

determination data, however, this feature is well known in the art as evidenced by Provost (Col.

8, Ln. 62-Col. 9, Ln. 6). At the time of the invention it would have been obvious for one of

ordinary skill in the art to have included this feature in the method of Martin with the motivation of providing a healthcare provider with a means of determining eligibility so that when it is discovered that a prospective patient is not a beneficiary, a medical provider can promptly learn of this status and take steps to advice the patient or provide appropriate medical treatment (recited in Provost: Col. 9, Ln. 3-6).

11.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin as applied to Claim 19 above and in further view of Kroll.

(A)   As per claim 20, Martin does not teach a step which comprises the act of ensuring fiscal responsibility and includes generating invoices based on progress note data and accounting for receipts, however, these features are well known in the art as evidenced by Kroll (Col. 6, Ln. 1-12). At the time of the invention it would have been obvious for one of ordinary skill in the art to have included the aforementioned feature from Kroll in the method of Martin with the motivation of providing the user with a means of automatic invoicing as recited in Kroll (Col. 6, Ln. 9-12).

12.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin as applied to Claim 3 above and in further view of US Patent Number 5,974,392 to Endo.

(A)   As per claim 4, Martin teaches the step of displaying at least some of the services/actions on a planned actions data entry page generating by the software program (Martin: Col. 11, Ln. 243-54). However, Martin does not teach the step of assigning planned actions to members of the support team and to professional care providers based on the services/actions displayed, however, this feature is well known in the art as evidenced by Endo (Col. 3, Ln. 3-11). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have

modified the method of Martin by adding the aforementioned feature from Martin with the

motivation of for providing a manager to assign tasks based on a person's ability to perform each

task as recited in Endo (Col. 3, Ln. 3-8).

Conclusion

13.   Any inquire concerning this communication or earlier communications from the

examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109.

The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's

supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone number for

this group is (703) 305-7687 (for official communications including After Final communications

labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information

Retrieval (PAIR). Information regarding the status of an application can be obtained from the

(PAIR) system. Status information for published applications may be obtained from either

Private PAIR or Public PAX. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, please feel

free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

Vivek Koppikar

11/4/2005

JOSEPH THOMAS
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